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FROM:

Mary K. Van Atten

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609-252-4379

FACSIMILE NO.:

609-252-4526

RE:

U.S. Application Serial No.: 10/785612

Our Docket No.: QA0283 / US - NP

Number of Pages:

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#### **DETAILS OF TRANSMITION**

Response to Restriction Requirement One Month Extension of Time

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Mary K. VanAtten Telephone 609-252-4379

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MESSAGE TO US BY MAIL. THANK VOIT PAGE 1/4\* RCVD AT 11/30/2006 3:22:51 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/45 \* DNIS:2738300 \* CSID:6092524526 \* DURATION (mm-ss):00-50

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## , IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF YUPING QIU, ET AL

**ART UNIT: 1614 EXAMINER:** 

**APPLICATION NO: 10/785612** 

FILED: 02/24/2004

FOR: PYRAZOLOPURINE- BASED TRICYCLIC COMPOUNDS AND

PHARMACEUTICAL COMPOSITIONS COMPRISING SAME

Commissioner for Patents P.Ö. Box 1450 Alexandria, VA 22313-1450

### RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated October 17, 2008, Applicants elect, with traverse, Group I, Claims 1 - 16, drawn to compounds and compositions. In response to the requirement to elect a single disclosed species, Applicants elect Example 16, page 58, as the species election. Claims 1-19 are readable thereon. However, Applicants understand this requirement for election of species is for initial examination purposes only, in accordance with MPEP §803.02, and not a requirement to restrict the scope of the generic and subgeneric claims of this application to such species. If the Office Action is a requirement to restrict the scope of the generic and subgeneric claims to the elected species, Applicants traverse this requirement. Such a requirement would be improper for the reasons stated in MPEP §803.02, first paragraph. Upon a finding of allowability of

**QA0283 NP** 

the species, it is respectfully requested that the search be extended to the full extent of the invention as claimed. Applicant's further reserve the right to traverse any further restriction based on the species.

Rejoinder of the method of treating claims of Group II (claims 17-18) and Group III (claim 19) upon a finding of allowable compound claims of Group I is respectfully requested.

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is requested.

Briskol-Myers Squibb Company Patent Department P.O. Box 4000 Princeton, NJ 08543-4000

Date: November 30, 2008

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